

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN SECTION OF TENNESSEE
WESTERN DIVISION

SCOTT TURNAGE , CORTEZ D.)	
BROWN, DEONTAE TATE, JEREMY S.)	Case No. 2:16-cv-2907-SHM/tmp
MELTON, ISSACCA POWELL, KEITH)	
BURGESS, TRAVIS BOYD, TERRENCE)	
DRAIN, and KIMBERLY ALLEN on)	
behalf of themselves and all similarly)	
situated persons,)	
)	
PLAINTIFFS,)	
)	
v.)	
)	
)	
)	
)	
BILL OLDHAM, FLOYD BONNER, JR.,)	
ROBERT MOORE, KIRK FIELDS,)	
CHARLENE McGHEE, REGINALD)	
HUBBARD, DEBRA HAMMONS,)	
TIFFANY WARD, SHELBY COUNTY,)	
TENNESSEE, TYLER TECHNOLOGIES,)	
INC., GLOBAL TEL*LINK)	
CORPORATION, SOFTWARE AG)	
CLOUD AMERICAS, INC., SIERRA-)	
CEDAR, INC., and SIERRA SYSTEMS)	
GROUP, INC.,)	
)	
DEFENDANTS.)	

**REVISED, UNOPPOSED MOTION TO AMEND SIXTH AMENDED CLASS ACTION
COMPLAINT AND MEMORANDUM OF LAW IN SUPPORT THEREOF**

Plaintiffs Scott Turnage, Cortez D. Brown, Deontae Tate, Jeremy S. Melton, Issacca Powell, Keith Burgess, Travis Boyd, Terrence Drain, and Kimberly Allen, on behalf of themselves and all other similarly situated persons, by and through their designated attorneys, and pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure and Rule 7.2 of the Local Rules of United States District Court for the Western District of Tennessee, submit their

Unopposed Motion to Amend their Sixth Amended Class Action Complaint (the “Motion”) and Memorandum of Law in Support Thereof. In support of the Motion, Plaintiffs state as follows:

1. This is a putative class action lawsuit against Shelby County, Tennessee, certain Shelby County policymakers, and technology contractors for, *inter alia*, the unlawful over-detention of numerous individuals in the Shelby County Jail caused by the development and implementation of a defective software package used to manage the Jail and the Shelby County Criminal Courts. Collectively, the defective software package is known as the Shelby County Integrated Criminal Justice System (“iCJIS”) and is comprised of software, such as the “Odyssey” software developed and implemented by Defendant Tyler Technologies, Inc., and various underlying subsystems.

2. On May 1, 2019, Plaintiffs, with leave of this Court, filed their Sixth Amended Class Action Complaint in order to name Sierra Systems Group, Inc. as a Defendant in response to the Answer to the Fifth Amended Class Action Complaint of Sierra-Cedar, Inc. asserting comparative fault against Sierra Systems Group, Inc.

3. On May 15, 2019, Defendant Global Tel*Link Corporation filed its Answer to the Sixth Amended Complaint. In its Answer, Global Tel*Link Corporation asserted comparative fault against yet another technology contractor, Tetrus Corp.

4. Accordingly, Plaintiffs, through this Motion, seek to amend their Sixth Amended Class Action Complaint in order to name Tetrus Corp. as a Defendant in this action. Plaintiffs’ proposed Seventh Amended Class Action Complaint is attached to this Motion as **EXHIBIT A**.

5. Rule 15(a) permits amendments to pleadings at any time during the litigation and leave shall be freely given “when justice so requires.” *See* Fed. R. Civ. P. 15(a)(2). As a general proposition, “the Sixth Circuit frowns on the denial of this type of motion.” *Smith v. First*

Century Bank, No. 3:04-cv-591, 2006 U.S. Dist. LEXIS 51220, at *5 (E.D. Tenn. Jul. 25, 2006); *see also, Black v. Ryder/P.I.E. Nationwide, Inc.*, 930 F .2d 505, 509-10 (6th Cir.1991) (holding, *inter alia*, that district court should have allowed amendment, even though the case was four years old, even though plaintiff had already amended, even though the proposed amendment was two months before a non-jury trial, and even though the amendment would have converted the non-jury trial to a jury trial). However, a court must balance harm to the moving party if he or she is not permitted to amend against prejudice caused to the other party if leave to amend is granted. *Foman v. Davis*, 371 U.S. 178, 182 (1962). A court may deny leave to amend only in limited circumstances, such as “undue delay, bad faith, or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed and futility of the amendment.” *Id.*

6. In the instant case, there has been no delay, bad faith, or dilatory motive by Plaintiffs, and the proposed amendments do not subject any party to prejudice.

7. The Defendants do not oppose the relief requested herein.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs, on behalf of themselves and all other similarly situated persons, respectfully move this Honorable Court to grant this unopposed Motion in its entirety and provide Plaintiffs leave to file a Seventh Amended Class Action Complaint.

Respectfully submitted,

s/ Michael G. McLaren

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CERTIFICATE OF CONSULTATION

Pursuant to Local Rule 7.2(a)(1)(B), on June 5, 2019, counsel for Plaintiffs consulted by electronic mail with Robert E. Craddock, Odell Horton, Jr., Megan Cox, Beth Bivens Petronio, Bradley E. Trammell, Russell Brandon Bundren, James L. Murphy, Albert G. McLean, Kevin David Bernstein, Douglas F. Halijan, and Will Irvine, counsel for Defendants. Defendants do not oppose the instant Motion.

s/ William E. Routt _____

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of June, 2019, a true and correct copy of the foregoing pleading has been filed electronically with the Court's Electronic Case Filing System. Pursuant to the Court's ECF System, the following parties listed below are filing users who will receive notice of the foregoing document's filing:

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